

2-15-1819. Board of research and commercialization technology. (1) There is a Montana board of research and commercialization technology.

(2) The board consists of six members. One member must be appointed by the president of the senate, one member must be appointed by the minority leader of the senate, one member must be appointed by the speaker of the house, one member must be appointed by the minority leader of the house, and two members must be appointed by the governor. One of the members appointed by the governor must be an enrolled member of a Montana tribal government.

(3) A member who ceases to live in the state is disqualified from membership, and the position becomes vacant. If a vacancy occurs, the position must be filled in the manner of the original appointment.

(4) The board shall hire an executive director and shall prescribe the executive director's salary and duties.

(5) (a) The board is a quasi-judicial entity subject to the provisions of 2-15-124, except that none of the members are required to be licensed to practice law in the state.

(b) The board shall elect a presiding officer from among its members at an annual election. The presiding officer may be reelected.

(c) Except for the original appointments, members shall serve 2-year terms.

(6) The board is attached to the department of commerce for administrative purposes only.

2-15-1820. Economic development advisory council. (1) There is an economic development advisory council.

(2) The council is composed of up to 19 members appointed as follows:

(a) 15 members appointed by the governor to include:

(i) the director of the department of commerce;

(ii) the chief business development officer provided for in 2-15-219, who serves as presiding officer of the council;

(iii) one member from a Montana tribal government who represents a tribal economic development organization; and

(iv) up to 12 public members representing each geographic region covered by each of the regional development corporations certified by the department pursuant to 90-1-116; and

(b) (i) two representatives, including one from each party, appointed by the speaker of the house; and

(ii) two senators, including one from each party, appointed by the committee on committees.

(3) The governor is encouraged to appoint to the initial council two individuals who were members of the microbusiness advisory council immediately prior to its being abolished.

(4) (a) Except as provided in subsection (4)(b), members of the council shall serve staggered 3-year terms subject to replacement at the discretion of the governor. The governor shall designate five of the initial members to serve 1-year terms and five of the initial members to serve 2-year terms.

(b) Legislative members must be appointed on or before the 10th day of each regular session of the legislature and shall serve until the convening of the next regular session of the legislature. If a vacancy on the council occurs during a legislative interim, that vacancy must be filled in the same manner as the original appointment.

(5) Members of the council, other than legislative members, are not entitled to compensation for their services except for reimbursement of expenses as provided in 2-18-501 through 2-18-503. Legislative members of the council are entitled to compensation pursuant to 5-2-302, which must be paid by the department of commerce.

(6) The council shall:

(a) advise the department concerning the distribution of funds to certified regional development corporations for business development purposes in accordance with 90-1-116 and this section;

(b) advise the department regarding the creation, operation, and maintenance of the microbusiness finance program and the policies and operations affecting the certified microbusiness development corporations;

(c) advise the governor and the department on significant matters concerning economic development in Montana;

(d) prescribe allowable administrative expenses for which economic development funds may be used by certified regional development corporations; and

(e) encourage certified regional development corporations to promote economic development on Indian reservations in their regions.

(7) The council is allocated to the department of commerce for administrative purposes only as provided in 2-15-121.

2007 Amendment: Chapter 177 in (5) deleted former first sentence that read: "A primary sector business workforce training program must involve at least 10 new jobs unless unique circumstances are documented that indicate a significant, positive, secondary impact to the local economy." Amendment effective July 1, 2007.

2005 Amendments -- Composite Section: (Temporary version) Chapter 26 in (4)(a) near beginning of second sentence after "wage" inserted "is paid" and after "lesser of" substituted "the current state's average weekly wage" for "Montana's current average weekly wage"; and made minor changes in style. Amendment effective July 1, 2005, and terminates June 30, 2007.

(Both versions) Chapter 169 in (1) at beginning inserted "Subject to appropriation by the legislature"; in (3)(b) in third sentence at end substituted "committee" for "department"; in (4)(a) at end of second sentence deleted "or for jobs that will be principally located on a reservation, the current average weekly wage of the reservation"; in (4)(b) near beginning substituted "department" for "office of economic development"; in (4)(d) near beginning after "section" substituted "must be proportional to the number of jobs provided, the expected average annual wage of all jobs provided, and the underlying economic indicators of the region where the majority of the jobs will be created" for "may not exceed an amount greater than the present value of expected incremental tax receipts, as described in 39-11-203, that are expected over the 10-year period immediately following the grant award. The committee shall consider the loan rate established by the board of investments pursuant to the Municipal Finance Consolidation Act of 1983 that is in effect at the time of the grant and the state personal income tax rates in effect or those rates scheduled to take effect in calculating the maximum grant amount"; in (5) in second sentence at end inserted "and whether training will be provided in Montana"; in (7) near end after "funds" inserted "under contract"; in (8)(a)(i) near beginning before "amount" deleted "full", after "grant" inserted "already expended", and at end after "operation" substituted "in the state of Montana within the grant contract period, which may be up to 2 years" for "within 12 months from the time that the grant is awarded"; in (8)(a)(ii) substituted language pertaining to an employer documenting the creation of jobs, hiring employees, or incurring training expenses for "requiring the employer receiving the grant to repay any shortfall in the personal income tax revenues to the state, as calculated in 39-11-203, that are the result of the company failing to meet the number of jobs or pay level of those jobs described in the final grant application. A shortfall in any fiscal year must be accessed against and paid by the company in the next fiscal year"; and made minor changes in style. Amendment effective April 8, 2005.

90-3-1005. Meetings -- compensation. (1) The Montana board of research and commercialization technology may determine the time and place of its meetings but shall meet at least once each quarter.

(2) Each member of the board, except legislative members, is entitled to receive compensation of \$50 a day plus travel expenses, pursuant to 2-18-501 through 2-18-503, for each day spent conducting official board business.

90-3-1006. Executive director -- qualifications. (1) The Montana board of research and commercialization technology shall hire an executive director who is responsible for:

- (a) managing staff;
 - (b) documenting and monitoring grants approved by the board according to performance benchmarks established by the board;
 - (c) reporting to the legislature and governor about investments made in research and commercialization activities and developments and opportunities in diversified research arenas;
 - (d) monitoring and promoting activities that increase the presence of Montana products in new and expanding markets;
 - (e) promoting and facilitating program strategies that add value to Montana products; and
 - (f) any additional responsibilities determined necessary and appropriate by the board.
- (2) The executive director may hire additional staff as necessary within budgetary limitations as prescribed by the board.

2-15-1819. Board of research and commercialization technology. (1) There is a Montana board of research and commercialization technology.

(2) The board consists of six members. One member must be appointed by the president of the senate, one member must be appointed by the minority leader of the senate, one member must be appointed by the speaker of the house, one member must be appointed by the minority leader of the house, and two members must be appointed by the governor. One of the members appointed by the governor must be an enrolled member of a Montana tribal government.

(3) A member who ceases to live in the state is disqualified from membership, and the position becomes vacant. If a vacancy occurs, the position must be filled in the manner of the original appointment.

(4) The board shall hire an executive director and shall prescribe the executive director's salary and duties.

(5) (a) The board is a quasi-judicial entity subject to the provisions of 2-15-124, except that none of the members are required to be licensed to practice law in the state.

(b) The board shall elect a presiding officer from among its members at an annual election. The presiding officer may be reelected.

(c) Except for the original appointments, members shall serve 2-year terms.

(6) The board is attached to the department of commerce for administrative purposes only.

2-15-1820. Economic development advisory council. (1) There is an economic development advisory council.

(2) The council is composed of up to 19 members appointed as follows:

(a) 15 members appointed by the governor to include:

(i) the director of the department of commerce;

(ii) the chief business development officer provided for in 2-15-219, who serves as presiding officer of the council;

(iii) one member from a Montana tribal government who represents a tribal economic development organization; and

(iv) up to 12 public members representing each geographic region covered by each of the regional development corporations certified by the department pursuant to 90-1-116; and

(b) (i) two representatives, including one from each party, appointed by the speaker of the house; and

(ii) two senators, including one from each party, appointed by the committee on committees.

(3) The governor is encouraged to appoint to the initial council two individuals who were members of the microbusiness advisory council immediately prior to its being abolished.

(4) (a) Except as provided in subsection (4)(b), members of the council shall serve staggered 3-year terms subject to replacement at the discretion of the governor. The governor shall designate five of the initial members to serve 1-year terms and five of the initial members to serve 2-year terms.

(b) Legislative members must be appointed on or before the 10th day of each regular session of the legislature and shall serve until the convening of the next regular session of the legislature. If a vacancy on the council occurs during a legislative interim, that vacancy must be filled in the same manner as the original appointment.

(5) Members of the council, other than legislative members, are not entitled to compensation for their services except for reimbursement of expenses as provided in 2-18-501 through 2-18-503. Legislative members of the council are entitled to compensation pursuant to 5-2-302, which must be paid by the department of commerce.

(6) The council shall:

(a) advise the department concerning the distribution of funds to certified regional development corporations for business development purposes in accordance with 90-1-116 and this section;

(b) advise the department regarding the creation, operation, and maintenance of the microbusiness finance program and the policies and operations affecting the certified microbusiness development corporations;

(c) advise the governor and the department on significant matters concerning economic development in Montana;

(d) prescribe allowable administrative expenses for which economic development funds may be used by certified regional development corporations; and

(e) encourage certified regional development corporations to promote economic development on Indian reservations in their regions.